



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

January 28, 2025

Hon. Glen T. Suddaby, U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7367
Syracuse, NY 13261

Re: *Bauer v. Iodice, et al.*, 22-CV-1007 (N.D.N.Y.)

Dear Judge Suddaby:

In compliance with Magistrate Judge Lovric's January 14, 2025 Text Order (ECF No. 58), counsel for the parties submit this joint status report. On January 17, 2025, and January 28, 2025, counsel for the parties met and conferred in good faith to attempt to resolve Plaintiff's objections (ECF No. 57) to the motion to withdraw filed by New York State Office of the Attorney General (OAG) (ECF No. 56). The parties are at an impasse. Accordingly, OAG respectfully requests the Court permit OAG to immediately file a renewed motion to withdraw, without first requesting a conference before the assigned Magistrate Judge.

On January 17, 2025, counsel for the parties met and conferred regarding OAG's Motion to Withdraw and the possibility of a settlement. Plaintiff's counsel requested that the parties seek to stay the deadline to file a renewed motion to withdraw so the Court could schedule a settlement conference. With respect to OAG's Motion to Withdraw, Plaintiff's counsel indicated that they intend to oppose any renewed application, but would reconsider their position if OAG could provide additional information about the conflict, as outlined in Your Honor's January 14, 2025 Text Notice. OAG advised that they would discuss internally and respond accordingly. Counsel agreed to meet and confer again prior to filing this status report.

On January 28, 2025, the parties met and conferred again. With respect to settlement, OAG advised that it is reviewing Plaintiff's claim filed in the New York State Court of Claims (*Bauer v. State of New York*, Claim No. 137002) and the appropriateness of pursuing settlement, but cannot negotiate settlement in this action based on the current conflict of interest. OAG also responded to Plaintiff's concerns regarding the conflict of interest, explained OAG's conclusions on the conflict, and advised that OAG intends to file a renewed motion to withdraw. After discussion, Plaintiff's counsel followed-up by email stating that they propose that the parties agree to stay the deadlines in this case to explore a possible settlement in the Court of Claims, and that they continue to oppose OAG's withdrawal because they believe that OAG's withdrawal is prejudicial to Plaintiff and lacks good cause. Otherwise,

Hon. Glen T. Suddaby
January 28, 2025
Page 2 of 2

Plaintiff requests a Court conference with the assigned Magistrate Judge pursuant Local Rule 7.1(a)(2), prior to OAG filing a renewed motion to withdraw, which Plaintiff intends to oppose.

Given that the parties are at an impasse regarding their respective positions on the renewed motion, along with OAG's inability to discuss settlement in this action, OAG requests that the Court permit OAG to immediately file a renewed motion to withdraw, without first requesting a conference before the assigned Magistrate Judge.

Respectfully submitted,

Olivia R. Cox
Assistant Attorney General
Bar Roll No. 703982
(518) 776-2607
Olivia.Cox@ag.ny.gov

To: All Attorneys of Record (via ECF)